



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/071,578

02/08/2002

Takechiyo Nakamitsu

15251

2668

7590

01/21/2005

Paul J. Esatto, Jr.
Scully, Scott, Murphy & Presser
400 Garden City Plaza
Garden City, NY 11530

EXAMINER

TSAI, CAROL S W

ART UNIT

PAPER NUMBER

2857

DATE MAILED: 01/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/071,578

Applicant(s)

NAKAMITSU ET AL.

Examiner

Carol S Tsai

Art Unit

2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 35-40, 48-50 and 60-63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 48-50 and 60-63 is/are allowed.
- 6) ☒ Claim(s) 35-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 02/08/2002.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 35-39 and 40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Regarding claims 35, 37, 39, and 40, the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

4. Claim 38 recites the limitation "said second screen" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 2857

6. Claims 35, 36, and 40 are rejected under 35 U.S.C. 102(e) as being anticipated by U. S. Publication No.2002/0032470 to Linberg.

With respect to claims 35 and 40, Linberg discloses a recording medium (RAM/ROM 76 shown on Fig. 2) storing a program for a maintenance method for performing maintenance with a medical control apparatus (microprocessor 74 shown on Fig. 2), connectable to medical devices (implantable medical devices (IMDS 10 shown on Fig. 1) used for medical purposes such that said medical control apparatus controls said medical devices (see paragraph 0052), said program comprising: code for a specifying step for specifying a trouble item (see paragraphs 0073-0074); code for a processing step for performing estimation processing for recovery operations or an operation method for recovering from trouble of an item specified in said specifying step (see paragraphs 0075, 0076, and 0078); and code for a display step for displaying information of recovery operations or recovery operation method (see paragraph 0052) .

As to claim 36, Linberg also discloses screen display (screen/display 114 shown on Fig. 5) being performed in a menu format screen displaying said trouble items in general major items and more specific sub-items contained in said major items (see paragraphs 0052, 0060, 0063-0070, and 0078).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2857

8. Claims 37 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Linberg in view of U. S. Patent No. 6,675,801 to Wallace et al.

As noted above, with respect to claims 37 and 38, Linberg discloses the claimed invention, except for a first screen for displaying said trouble items, and a second screen for displaying information of recovery operations or an operation method, being display screens having a hierarchical structure.

Wallace et al. teach utilizing a hierarchical structure of the user interface for the display of patient data and ventilator status comprising: an upper display (60 shown on Fig. 3) and a lower display (70 shown on Fig. 3) (see Fig. 3; col. 3, lines 2-15; and col. 8, line 29 to col. 9, line 63).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Linberg in combination with Wallace et al.'s method to include a first screen for displaying said trouble items, and a second screen for displaying information of recovery operations or an operation method, being display screens having a hierarchical structure, in order that different information can be displayed in different screen respectively.

Allowable Subject Matter

9. Claim 39 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

10. Claims 48-50 and 60-63 are allowed.

11. The following is an examiner's statement of reasons for allowance:

U. S. Publication No.2002/0032470 to Linberg is the reference closest to the claimed invention. Linberg discloses a maintenance method for a medical control apparatus which outputs control information for controlling medical devices to said medical devices used for medical purposes via a communication interface, and receives information of the state of actions from said medical devices via an interface, said method comprising: a maintenance instructing step for instructing maintenance; and a specifying step for specifying at least one trouble item of said plurality of trouble items displayed in said trouble item display step. However, Linberg does not teach a trouble item display step for displaying on a predetermined display device a plurality of trouble items relating to the set-up of said medical device, according to said maintenance instructing step and a display step for displaying countermeasures information for recovering from the trouble item specified in said specifying step; and including all of the other limitations in the respective independent claims.

U. S. Publication No.2002/0032470 to Linberg is the reference closest to the claimed invention. Linberg discloses a recording medium storing a program for a maintenance method for a medical control apparatus which outputs control information for controlling said medical devices to the medical devices used for medical purposes via a communication interface, and installs information of the state of actions received from said medical devices via a communication interface in said medical control apparatus, comprising: code for a maintenance instructing step for instructing maintenance; code for a trouble item display step for displaying trouble items relating to said medical devices, according to said maintenance instructing step; code for a specifying step for specifying at least one trouble item of said trouble items displayed in said trouble item display step; code for an estimating step for estimating causes causing said

Art Unit: 2857

trouble item specified in said specifying step. However, Linberg does not teach code for a priority display step for displaying, with higher priority, countermeasures information estimated in said estimating step to have higher probability of being the cause of said trouble item, as compared with countermeasures information with lower probabilities; and including all of the other limitations in the respective independent claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tsuda et al. disclose a control system of an image processor by which transmission and receiving can be conducted with an equipment placed in a store, office, hospital, etc., and with a control apparatus to conduct a maintenance control of the equipment, the maintenance control system of the image processor includes: the image processor; a communication section for transmitting and receiving information between the control apparatus and the image processor; and an information obtaining device for obtaining information to reproduce a condition of the image processor on a control apparatus side, wherein the information obtained by the information obtaining device is transmitted to the control apparatus through the communication section.

Art Unit: 2857

Lebel et al. disclose an implanted medical device (e.g. infusion pump) and an external device communicate with one another via telemetry messages that are receivable only during windows or listening periods.

Uchikubo et al. disclose a plurality of pieces of medical equipment each of which including a microcomputer and has a program used to control the microcomputer stored in a reprogrammable storage device such as an EEPROM is linked to a remote computer over a communication line.

Takahashi et al. disclose a machine repair information administering apparatus for administering information concerning repair for plural kinds of machines, being provided with a receiving device for receiving the information concerning repair for a machine, a memory for classifying and memorizing the information concerning repair for the machine for each kind of the machine; and a transmitting device for transmitting the information concerning repair for the machine which is memorized by the memory.

Contact Information

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carol S. W. Tsai whose telephone number is (571) 272-2224. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S. Hoff can be reached on (571) 272-2216. The fax number for TC 2800 is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be

Art Unit: 2857

directed to the TC 2800 receptionist whose telephone number is (571) 272-1585 or (571) 272-2800.

In order to reduce pendency and avoid potential delays, Group 2800 is encouraging FAXing of responses to Office actions directly into the Group at (703) 872-9306. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into Group 2800 will be promptly forwarded to the examiner.



Carol S. W. Tsai
Patent Examiner
Art Unit 2857

01/18/05